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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
Case No. 05-44481

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In the Matter of:

DELPHI CORPORATION,

Debtor.

- - - - -x

United States Bankruptcy Court
One Bowling Green
New York, New York

December 13, 2006
10:05 AM

B E F O R E:
HON. ROBERT D. DRAIN
U.S. BANKRUPTCY JUDGE

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HEARING re Claims Objection Hearing Agenda

Transcribed by: Amy R. Katz

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1 P R O C E E D I N G S

2 THE COURT: All right. Delphi?

3 MR. LYONS: Good morning, Your Honor. John Lyons on
4 behalf of Delphi and various affiliated debtors. And I have
5 here with me today in court Randall Reese, who is an associate
6 of mine who is working on these matters, and also Mr. Dean
7 Unruh, who was the person at Delphi in charge of the whole
8 claims process and the task of trying to administer thirty-five
9 billion in claims in a very short period of time.

10 Your Honor, with your permission I'd just work out
11 the agenda. I don't anticipate this is going to take a lot of
12 time.

13 Your Honor, what we have today are a number of
14 responses to our second omnibus objection that have been
15 carried over from the hearing in November, and if we could just
16 go down the list.

17 The first two, the response of Port City and also the
18 limited response of International Rectifier, have been
19 resolved. They have agreed to the language that we've used, or
20 a very similar language to what we've used under the terms of
21 the original second omnibus order, so those have been resolved.
22 The third response of Robert Fash, that has been adjourned by
23 agreement of the parties until January 12th, the claims hearing
24 on January 12th.

25 THE COURT: Okay.

1 So the sole remaining response for Your Honor today
2 is that of Jeffrey Carl, and we have reached out affirmatively
3 to Mr. Carl in attempt to resolve his objection. He had filed
4 two proofs of claim, one against Delphi Corp. and the other
5 against Delphi Automotive Systems, LLC. In our view we believe
6 those are just straight duplicative claims. He was unwilling
7 to consent to having the claim against Delphi Corp. expunged,
8 he just they wanted to leave them both on the docket. If Your
9 Honor would like, I could hand up both the proofs of claim so
10 you can see, but according to our books and records the
11 appropriate entity would be DAS, LLC.

12 THE COURT: Let me make sure first, the objection
13 that is on duplication grounds, not on the grounds that it was
14 an equity interest?

15 MR. LYONS: That's correct.

16 THE COURT: Okay. Why doesn't the language that you
17 added to the order deal with this issue?

18 MR. LYONS: Your Honor, we believe it does.

19 THE COURT: So that if it's expunged from the books
20 but later proven to be a claim against the entity where the
21 claim was expunged, then it can jump back.

22 MR. LYONS: That's correct.

23 THE COURT: All right. I think that's a suitable
24 resolution.

25 MR. LYONS: Okay, very good. Your Honor, I thought

1 I'd --

2 THE COURT: I had one more question on this, though.
3 On the chart that you gave, the HE Services and Robert Bakke,
4 has that been resolved? It just says that unlike the other
5 objections, it says the debtors believe the claims are clearly
6 duplicative. They didn't respond to that?

7 MR. LYONS: I believe --

8 THE COURT: They didn't oppose the objection?

9 MR. LYONS: No, he did file a response to the second
10 omnibus objection but we resolved that -- the response to the
11 second omnibus objection prior to the hearing in November, and
12 he has agreed to remove the duplicative claim.

13 THE COURT: Oh, okay. Fine.

14 MR. LYONS: You still, of course, have the other
15 claims you're going to have to --

16 THE COURT: Okay. So you have agreed with him on
17 the -- at least as to duplicative claim.

18 MR. LYONS: That's correct.

19 THE COURT: Okay.

20 MR. LYONS: Your Honor, I'd like to just take this
21 time to hand up to you so Your Honor has an understanding for
22 what's coming down the road. We did send a number of notices
23 out pursuant to the procedures order, which again we thank Your
24 Honor for entering, but so Your Honor can see what's coming
25 down the pipeline for January as well as February. So with

1 your permission, I'd like to hand up that chart.

2 THE COURT: Okay, that's fine. Thank you.

3 MR. LYONS: And the one -- the one thing to note,
4 Your Honor, we do have a number of meet-and-confers with the
5 first round of around eleven claims which have to be scheduled
6 by December 26th. So in the event that we don't have all
7 consensual meet-and-confers on the discovery schedule, we may
8 need to enlist Your Honor in resolving disputes.

9 THE COURT: All right. Well, obviously that date
10 is -- speaks volumes. So I would assume that you all will be
11 working out if people's holiday plans interfere, I imagine
12 you'll be giving some more time.

13 MR. LYONS: Yes, I suspect, Your Honor, if we do have
14 disputes we could also come to Your Honor after the new year
15 and try to resolve that.

16 THE COURT: Okay.

17 MR. LYONS: Other than that, Your Honor, we do have a
18 revised order, which we would hand up, which resolves these
19 objections that have been adjourned. And also we are going to
20 send to chambers later today the final second and third omnibus
21 orders that reflect the later docketed claims, so I think we'll
22 have everything wrapped up from the last hearing.

23 THE COURT: Okay. So the revised order, is it other
24 than setting forth the resolutions that you just laid out on
25 the record? It's consistent with the order that you previously

1 submitted that has the new language in it?

2 MR. LYONS: That's correct.

3 THE COURT: Okay. That's fine. That'll get entered
4 today.

5 MR. LYONS: Okay, Your Honor, and I believe that's
6 all I have.

7 THE COURT: Okay, thank you.

8 MR. LYONS: Thank you.

9 (Whereupon this proceeding was concluded at 10:10
10 a.m.)

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C E R T I F I C A T I O N

I, court approved transcriber, certify that the foregoing is a
correct transcript from the official electronic sound recording
of the proceedings in the above-entitled matter.

Signature of Transcriber Date

Amy R. Katz
typed or printed name

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